

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV11-05100-RGK (JCGx)

Date July 7, 2011

Title **JAMES ALDEN v. ALLIANCE ADVISORS, LLC, et al**

Present: The
Honorable

R. GARY KLAUSNER, U.S. DISTRICT JUDGE

Sharon L. Williams

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Remanding Action to State Court

On May 17, 2011, James Alden ("Plaintiff"), filed suit against Alliance Advisors, LLC ("Alliance"), Matthew Bolger, Richard Ward, and Joseph Caruso ("Defendant"). In his Complaint, Plaintiff asserts state claims relating to alleged interference with business relations.

On June 17, 2011, Alliance Advisors removed the action to this Court alleging diversity of citizenship. Upon review of Defendant's Notice of Removal, the Court hereby remands the action for lack of subject matter jurisdiction.

Pursuant to 28 U.S.C. § 1332, district courts shall have original jurisdiction over any civil action in which the parties are citizens of different states and the action involves an amount in controversy that exceeds \$75,000. After a plaintiff files a case in state court, the defendant attempting to remove the case to federal court bears the burden of proving the amount in controversy requirement has been met. *Lowdermilk v. United States Bank Nat'l Ass'n*, 479 F.3d 994, 998 (9th Cir. 2007). If the complaint does not allege the amount in controversy, the removing defendant must supply this jurisdictional fact in the Notice of Removal. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566-567 (9th Cir. 1992).

In its Notice of Removal, Alliance states that the amount in controversy is met, and supports this statement using allegations contained in a separate action pending in the Southern District of New York. Specifically, Alliance states that the SDNY action, filed by a third party against Defendants, alleges damages "estimated to be in the millions of dollars." Alliance then asserts that the SDNY action is based on alleged operative facts that are essentially the same as the operative facts alleged in the action before this Court. These facts do not satisfy Alliance's burden of proving that the amount in controversy is met in *this* case.

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In light of the foregoing, the Court hereby **remands** the action to state court for all further proceedings.

IT IS SO ORDERED.

Initials of Preparer _____ : _____
slw